

REMARKS

The application has been reviewed in light of the Office Action dated January 29, 2008. Claims 1, 4-7 and 8-10 are pending in this application, with claims 1 and 9 being in independent form. By the present Amendment, claim 1 has been amended. It is submitted that no new matter has been added and no new issues have been raised by the present Amendment.

Claims 1-10 were rejected under 35 U.S.C. §103(a) as allegedly obvious form U.S. Patent 6,524,251 to Rabiner et al. in view of U.S. Patent 5,931,787 to Dietz et al. Applicants have carefully considered the Examiner's comments and the cited art, and respectfully submit independent claims 1 and 9 are patentable over the cited art, for at least the following reasons.

Independent claim 1 relates to a catheter for insertion into the human body and which includes one or more optionally scanning ultrasonic transducers as well as a surgical instrument to be operated from the outside. The catheter comprises at least two parts of a substantially completely circular or partially circular cross section, where a rod is inserted between said parts and at the end is provided with an ultrasonic transducer. The completely or partially circular parts are surrounded by an outer tube passed over the completely or partially circular parts, and where the surface of at least one of the completely or partially circular parts is provided with a longitudinal groove for the insertion of the surgical instrument. The completely or partially circular parts removably engage each other and are kept together by said outer tube when the catheter is assembled.

The present disclosure relates to a catheter for insertion into the human body that is very user-friendly and is easy to disassemble for disinfecting and sterilizing purposes. Since the

catheter is formed of at least two parts of a substantially completely circular or partially circular cross section, the parts can be readily broken down after use easily disinfected and sterilized.

Rabiner et al., as understood by Applicants, relates to an ultrasonic device for tissue ablation and sheath for use therewith. Fig. 3F shows a sheath with two semi-cylindrical halves that are connected to each other by one or more connecting means. There is no indication in the Rabiner et al. that the two semi-cylindrical halves are separable in any manner.

The Office Action cites *Nerwin v. Erlichman*, 168 USPQ 177, 179 for the proposition that it would have been obvious to make the connection 113 shown in Fig. 3F of Rabiner et al. removably engageable, since it has been held that constructing a formerly integral structure in various elements only requires routine skill in the art.

As understood by Applicants, the *Nerwin* case relates to an interference proceeding in which the issue was whether one of the party's disclosure supported the limitations of the count without double reading on the same element or structure. The *Nerwin* case is not understood to stand for the proposition that constructing a formerly integral structure in various elements only requires routine skill in the art.

Dietz et al. was cited as allegedly teaching a longitudinal groove. In any event, Applicants submit Dietz et al. provides none of the elements missing from Rabiner et al. that would have made the claims obvious to a person of ordinary skill in the art.

Accordingly, Applicants find no teaching or suggestion in the cited art of a catheter where the completely or partially circular parts removably engage each other and are kept together by the outer tube when the catheter is assembled, as recited in independent claim 1.

Accordingly, Applicants submit independent claim 1 is patentable over the cited art. In addition, Applicants submit independent claim 9 is also patentable over the cited art for at least similar reasons.

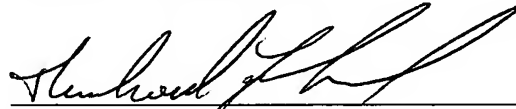
The Office is hereby authorized to charge any additional fees that may be required in connection with this amendment and to credit any overpayment to our Deposit Account No. 03-3125.

If a petition for an extension of time is required to make this response timely, this paper should be considered to be such a petition, and the Commissioner is authorized to charge the requisite fees to our Deposit Account No. 03-3125.

If a telephone interview could advance the prosecution of this application, the Examiner is respectfully requested to call the undersigned attorney.

Entry of this amendment and allowance of this application are respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Richard F. Jaworski', is written over a horizontal line.

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